

MAR 05 2008

Amendment in response to  
December 5, 2007 Office action

Atty Dkt No.: 1998P07977US03  
Serial No.: 09/218,783

**REMARKS**

Claims 1 – 27 remain in the application and stand rejected. Claims 1, 3, 8, 9, 11, 12, 14 – 18, 20 and 22 are amended herein. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any additional fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The MPEP provides in pertinent part “the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application.” MPEP 2164.04.

Claims 1, 3, 8, 9, 11, 12, 14 – 18, 20 and 22 are amended herein for clarity and to better recite the invention. Thus, claims 1, 8, 9, 11, 12, 14 and 22 are amended to recite that the pickup location may be automatically or manually selected. This is supported by claim 16 and the specification, e.g., at page 10, lines 15 – 17. Further, these claims and claim 16 are amended to recite that automatic selection is done serially, e.g., sequentially selecting listed group destinations. This is supported by Figure 7 and the specification at page 13, line 6 – page 14, line 18. No new matter is added and none of this is shown or suggested by any reference of record.

Moreover, the amendment to claims 11 and 14, to recite that the destination may be manually selected while automatic selection is underway, is specifically supported at page 14, lines 19 – 24. Claims 3, 15 and 22 are amended to specifically indicate that the called destination and the pickup destination may be connected to different servers. This is supported by the figures and specification, e.g., page 8, lines 3 – 15. Claims 17, 18 and 20 are amended for clarity. The amendment to claims 17 and 18 to recite that “the remote search unit sends a temporary signaling connection with a facility request” is supported by the specification at page 11, lines 22 – 23. No new matter is added and none of this is shown or suggested by any reference of record.

Claims 1 – 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,229,888 to Miloslavsky in view of newly cited U.S. Patent No. 6,195,560 to Chavez, Jr. and further in view of U.S. Patent No. 6,192,123 to Grunsted et al. The rejection is respectfully traversed.

At the outset, the applicants note that Chavez, Jr. was filed September 29, 1998, less than 3 months prior to the present application, filed December 22, 1998. Applicants can, if necessary,

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show an invention date prior to Chavez, Jr. However, for the reasons set forth below, such a showing is believed unnecessary.

With regard to independent claims 1, 9, 12, 15, 22 and 27 (and dependent claims 16 – 18, 23 and 24, as well), the Office action relies upon Chavez, Jr. to

more clearly [disclose] a group pickup request unit responsive to said invite request unit to establish a connection to any of a plurality of group pickup **destinations** (See Fig. 1 and cubicle areas 112-114) to enable a call to a called station (for example, the called station may be wireless terminal 104 in cubicle area 113) to be picked up from any group **pickup destination** (for example, a call to wireless terminal 104 may be picked up by wireless terminal 102, 105, or 106), said **destination** being selected responsive to one of an alerting listed group member **location** and a responding listed group member **location**; and a retrieval request unit to connect a call pickup system station with said call to said called station (See col. 2-3 lines 59-25).

Page 3, lines 8 – 17 (emphasis added). However, all of the Chavez, Jr. destinations are at the same Chavez, Jr. location.

Chavez, Jr. teaches an ad hoc pickup group system wherein fixed units 115, 116, 117 identify specific areas (cubicles 112, 113, 114), and whenever wireless terminals 102 – 109 are in those areas, they may be included in a local ad hoc pickup group. *See, e.g.*, Figure 1 and Abstract (“A wireless terminal is dynamically placed into a call pickup group based on the location of the wireless telephone. Similarly, a wireless terminal is dynamically removed from a call pickup group on the basis of the location of the wireless terminal.”). These local pickup groups do not cross area boundaries, i.e., cubicle 112, 113, 114 walls. When a wireless terminal in one Chavez, Jr. cubicle 112, 113, 114 moves to another, it may be included in or excluded from the local pickup group there, but it does not remain in the same group for the first location. *See, e.g.*, Figures 2 – 4 and col. 3, lines 5 – 14 (“Consider now when wireless terminals 102 and 103 leave cubicle area 112 and enter cubicle area 113. ... wireless terminals 102 and 103 are now in communication with fixed unit 115. When wireless terminal 102 entered cubicle area 113, it became part of the call pickup group for cubicle area 113 ...”). Thus, in the example provided in Chavez, Jr. “[i]f a call comes in once again for wireless terminal 104, wireless switching system 101 ... determines that wireless terminals 102, and 104-106 are part of a call pickup group for cubicle area 113 of which wireless terminal 106 is located. Based on this determination, wireless switching system 101 alerts wireless

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terminal 104, and wireless terminals 102, 105 and 106 can pick the call up.” *Id.*, lines 14 – 25.

Moreover, as previously noted Miloslavsky col. 2, lines 38 – 60 describes incoming calls to stations associated with a server; the server identifies a group member for each call that may be associated with another server, and the same server forwards the calls to an identified group member. *See also*, Miloslavsky Figure 4A, e.g., steps 274 and 280. However, forwarding a call from one member station to another, or allowing wireless devices at the same location as each member station as further provided by Chavez, Jr., falls short of allowing any listed group member to pick up as reflected in claim 1. This is also quite different than the other server associated with the pickup stations controlling the pickup or the system manually or automatically selecting the pickup station as the claims are amended to recite.

As also previously noted Miloslavsky col. 8, lines 17 – 40 describes activity at the first server. Miloslavsky col. 1, lines 12 – 14 is a statement of the field of the Miloslavsky invention. Miloslavsky col. 2, lines 15 – 19 describes the Miloslavsky CTI server. Miloslavsky col. 4-15, lines 66 – 7 describes the Miloslavsky call center. This is also quite different than the server associated with the pickup stations controlling the pickup; nor does Chavez, Jr. provide different servers associated with different pickup stations controlling the pickup. Therefore, the combination of Grunsted et al., Miloslavsky and Chavez, Jr. does not result in the present invention as recited in independent claims 1, 9, 12, 15, 22 and 27, as amended, or in any claims depending therefrom.

Moreover, dependent claims include all of the differences with the references, as the claims from which they depend. MPEP §2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”). Therefore, the combination of Grunsted et al., Miloslavsky and Chavez, Jr. does not result in the present invention as recited by claims 2 – 8, 10, 11, 13, 14, 16 – 21 and 23 – 26, which depend from claims 1, 9, 12, 15 and 22. Reconsideration and withdrawal of the rejection of claims 1 – 27 under 35 U.S.C. §103(a) is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment

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to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 – 27 under 35 U.S.C. §103(a) and allow the application to issue.

As the applicants have previously noted, MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

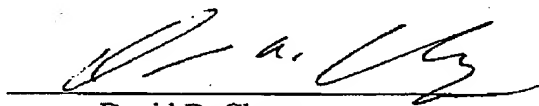
If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicants believe that the matter presented in the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

  
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